

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY APRIL 2, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1987**

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**Introduced by Assembly Member Villines**

February 14, 2008

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An act to amend Section 273ab of the Penal Code, relating to child abuse.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1987, as amended, Villines. Child abuse: sentencing: age of victim.

Existing law provides that any person who, having the care or custody of a child who is under 8 years of age, assaults the child by means of force that to a reasonable person would be likely to produce great bodily injury, resulting in the child's death, shall be punished by imprisonment in the state prison for 25 years to life.

This bill would make it a felony, punishable by imprisonment in the state prison for 15 years to life, for a person ~~who~~, having the care or custody of a child who is under 8 years of age ~~to inflict, to assault the child with force that to a reasonable person would be likely to produce great bodily injury on the child which causes the child to become, resulting in the child becoming~~ comatose due to brain injury or ~~to suffer~~ suffering paralysis of a permanent nature, as specified.

Because this bill would change the definition of a crime and increase the punishment for an existing crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 273ab of the Penal Code is amended to  
2 read:

3 273ab. (a) Any person ~~who~~, having the care or custody of a  
4 child who is under eight years of age, *who* assaults the child by  
5 means of force that to a reasonable person would be likely to  
6 produce great bodily injury, resulting in the child's death, shall be  
7 punished by imprisonment in the state prison for 25 years to life.  
8 Nothing in this section shall be construed as affecting the  
9 applicability of subdivision (a) of Section 187 or Section 189.

10 (b) Any person ~~who~~, having the care or custody of a child who  
11 is under eight years of age, ~~inflicts~~ *who assaults the child by means*  
12 *of force that to a reasonable person would be likely to produce*  
13 *great bodily injury on the child which causes the child to become*  
14 *injury, resulting in the child becoming comatose due to brain injury*  
15 *or to suffer* ~~suffering~~ paralysis of a permanent nature, shall be  
16 punished by imprisonment in the state prison for 15 years to life.  
17 As used in this subdivision, "paralysis" means a major or complete  
18 loss of motor function resulting from injury to the nervous system  
19 on to a muscular mechanism.

20 SEC. 2. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.

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